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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14
15 **INTERLINK PRODUCTS**
16 **INTERNATIONAL, INC.,**

17 Plaintiff,

18 v.

19 **DREW BOHAN, and MELISSA RAE**
20 **KING,**

21 Defendants.
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No. 2:20-cv-02277-KJM-CKD consolidated
with No. 2:20-cv-02283-KJM-CKD

**JOINT STATUS REPORT AND ORDER
EXTENDING TIME TO FILE
RESPONSIVE PLEADING**

Judge: Hon. Kimberly J. Mueller
Trial Date: n/a
Action Filed: June 23, 2020

1 Pursuant to the Court’s Stipulated Order of June 11, 2021, the parties provide the following
2 status report:

3 In light of the similar issues to those raised in Interlink’s First Amended Complaint, the
4 parties entered into a stipulation to stay the two above-captioned consolidated actions pending the
5 Ninth Circuit’s ruling in *Association des Éleveurs de Canards et d’Oies du Québec v. Bonta*,
6 Ninth Circuit case no. 20-55882/20-55944 (*Canards III*). See Stipulation and [Proposed] Order
7 Re Stay of Consolidated Actions, ECF No. 51. On June 11, 2021, the Court entered the Order Re
8 Stay of Consolidated Actions. ECF No. 52.

9 On May 6, 2022, the Ninth Circuit issued its decision in *Canards III*, holding that the
10 California statute challenged in that case was not preempted and did not violate the dormant
11 Commerce Clause, and that certain “transactions are out-of-state sales permitted by California
12 law.” *Association des Éleveurs de Canards et d’Oies du Québec v. Bonta (Canards III)*, 33 F.4th
13 1107, 1112 (9th Cir. 2022).

14 The plaintiffs in *Canards III* have filed a petition for panel rehearing and for rehearing en
15 banc. Accordingly, the Ninth Circuit’s mandate in that case will not issue until after the
16 resolution of the petition and any further proceedings on appeal. For the same reasons of
17 conserving the parties’ and the Court’s resources as previously stipulated and ordered, the parties
18 agree that the Court’s stay should remain in effect pending the issuance of the Ninth Circuit’s
19 mandate in *Canards III*.

20 Under the parties’ prior stipulation and order in this case, Defendants’ responsive pleading
21 would be due June 20, 2022, i.e., 45 days from the date of the ruling in *Canards III*. See Order Re
22 Stay of Consolidated Actions, ECF No. 52. Accordingly, the parties agree to extend Defendants’
23 deadline to file a responsive pleading until 45 days after the issuance of the mandate in *Canards*
24 *III*.

1 NOW, THEREFORE, THE PARTIES REQUEST THAT THE COURT ORDER AS
2 FOLLOWS:

3 1. The two above-captioned consolidated actions shall remain stayed until the Ninth
4 Circuit issues its mandate in *Association des Éleveurs de Canards et d'Oies du Québec v. Bonta*
5 (*Canards III*), Ninth Circuit case no. 20-55882/20-55944

6 2. Defendants' responsive pleading to Interlink's First Amended Complaint shall be
7 due 45 days after issuance of the Ninth Circuit's mandate in *Canards III*.

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9 Dated: June 16, 2022

/s/ Michael Tenenbaum

10 Michael Tenenbaum, Esq.

11 THE OFFICE OF MICHAEL TENENBAUM, ESQ.

12 *Counsel for Plaintiff Interlink Products*
13 *International, Inc.*

14
15 ROB BONTA

16 Attorney General of California

17 RUSSELL B. HILDRETH

18 Supervising Deputy Attorney General

19 Dated: June 16, 2022

/s/ Courtney Covington

20 COURTNEY COVINGTON

21 Deputy Attorney General

22 *Attorneys for Defendants*

23 **IT IS SO ORDERED.**

24 DATED: June 24, 2022.

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26 
27 CHIEF UNITED STATES DISTRICT JUDGE
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